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Attorneys for Defendants XTO Energy Inc. and Scott Griffith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PATHFINDER AVIATION, INC.,

Plaintiff,

v.

XTO ENERGY INC. and
SCOTT GRIFFITH,

Defendants.

Case No. 3:15-cv-00200-HRH

**DEFENDANTS' MOTION
TO DISMISS CERTAIN
COUNTS PURSUANT TO
FRCP 12(b)(6) AND TO
STRIKE PRAYER FOR
PUNITIVE DAMAGES**

Defendants XTO Energy, Inc. and Scott Griffith, by and through their undersigned counsel of record, hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the following causes of action brought by Plaintiff Pathfinder Aviation, Inc.:

- As against Defendant Scott Griffith, dismissal of all Plaintiff's contract-based claims including, Count I (Breach of Contract), Count II (Breach of Quasi-Contract), and Count III (Promissory Estoppel).
- As against both Defendants XTO Energy, Inc. and Scott Griffith, dismissal of Count IV (Breach of Covenants of Good Faith and Fair

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Dealing), Count V (Misrepresentation) and Count VI (Violation of Unfair Trade Practices Act).

Defendants further move to strike Plaintiff's prayer for punitive damages because there are no viable claims for which punitive damages are available.

Defendants' motion is supported by the memorandum filed herewith.

Respectfully submitted this 20th day of November, 2015 at Anchorage, Alaska.

OLES MORRISON RINKER & BAKER LLP

By: s/Barat M. LaPorte

Barat M. LaPorte, ABA No. 9511064

*Attorneys for Defendants XTO Energy Inc.
and Scott Griffith*

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2015, a copy of the foregoing document was served electronically on the following:

David K. Gross
Mara E. Michaletz

OLES MORRISON RINKER & BAKER LLP

s/Barat M. LaPorte

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